

28 January 1974

MEMORANDUM FOR: Deputy Director for Intelligence

ATTENTION :



SUBJECT : Agency Statutory Responsibility  
Regarding Agency Publications  
Made Available to the Superintendent  
of Documents

REFERENCE : OGC memo to DDI dtd 14 Jan 74, same  
subject

1. As far as I can determine compliance with Title 44, U.S.C. 1710 (cited in the reference) is minimal. This Act requires governmental agencies to include non-GPO printed documents in the monthly catalog of government publications and also make them available to depository libraries through the Superintendent of Documents. This non-compliance is based upon a) the absence of authority in the law to enforce agencies to comply, b) limited funds provided by Congress to the Superintendent of Documents to cover the costs associated with the distribution of these publications, and c) the additional costs to the agencies associated with printing 1,300 additional copies of their publications for the depository libraries.

2. In practice, most government agencies and the Superintendent of Documents have introduced an interpretation "loophole" into enforcement that permits a government agency to exclude from the provisions of the law those publications that are primarily produced for in-house use. In addition governmental cooperative publications which must necessarily be sold in order to be sustaining are also excluded. The latter covers the publications distributed by the National Technical Information Service (NTIS)--FBIS dailies and JPRS publications are distributed by NTIS.

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3. The statute cited by OGC is based on the 1962 Depository Library Act (PL 87-579) passed by Congress in response to demands of the library profession. The Superintendent of Documents in commenting on the law stated:

The magnitude in scope of the proposal, the production and budgetary problems that would undoubtedly result to the government agency producing these publications, the fact that the Superintendent of Documents exercised no control over the publications, and the considerable cost factors to both our office and other components of the government were the reasons for our expressed doubt that it would be possible for this portion of the new law to be implemented in the manner that we would wish it to be and with the same result as that part of the program involving publications printed by GPO.

The early implementation problems associated with the Act are summarized in an article by the Superintendent of Documents appearing in *Library Trends* in 1966. This article is attached.

4. There still is considerable pressure by the library profession for more compliance with the law. A 1973 article that discusses interpretation and implementation to date is attached. You will note that the article comments that the Superintendent of Documents is doing considerably less than he should be to get the program into high gear. The article also quotes Superintendent of Documents comments on the law such as "ludicrous" "reductio ad absurdum".

5. The DDI program for releasing selected unclassified reference and research aids through DOCEX complies with the "spirit" but not the letter of the law. Of the 138

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DOCEX participating libraries, 127 are depository libraries. Theoretically, if Title 44, U.S.C. 1710 were enforced, there would be no need for DOCEX. DOCEX does send a copy of each publication it receives to the Superintendent of Documents for inclusion in the monthly catalog of US Government publications. At our request, the CIA reference aids are not forwarded. The DDI may want to reconsider and have reference aids that are released through DOCEX listed in the monthly catalog. The publications would carry a symbol indicating that the document is not obtainable. This practice is followed by other government agencies in listing some of their items in the monthly catalog.

6. In summary, the DDI has four alternatives regarding the OGC memo:


a. Cite the general governmental non-compliance with the law based on "administrative use" interpretation and indicate that the current DDI programs with DOCEX and NTIS comply with the intent of the law. I recommend this alternative.

b. Modify the current DOCEX program to permit DOCEX to alert the Superintendent of Documents about DDI reference and research aids. This course of action, favored by the C/ISAS as an appropriate technique for creating the impression of openness, would result in DDI reference and research aids being listed in the monthly catalog. Even though listed with a symbol indicating their unavailability, advertising the existence of such documents would increase inquiries to the Agency. Under the current program with DOCEX, direct inquiries to the Agency from libraries have increased from 3 in 1972 when the program started to 13 in 1973. To date in CY 1974, we have had 6 inquiries indicating increasing interest in the publications.

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c. Ask the Director of Logistics to contact the Superintendent for guidance and clarification of the Agency's responsibility under Title 44 U.S.C. 1710. This action is not recommended since the Superintendent could utilize CIA as another agency that could be "phased into" the program on a selected basis. This would increase Agency printing costs and jeopardize current successful programs with DOCEX and NTIS.

d. Discontinue current DDI programs with NTIS and DOCEX and comply fully with the law. This would increase Agency printing costs in order to supply publication to over 1,300 depository libraries. This action is not necessary since all of the DDI products are produced mainly for "in-house" requirements. Depository libraries and their clientele may also come to rely on the regular issuances of the publications and pressure for regular publication.

  
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Director, Central Reference Service

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Attachments: A/S

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